

JUN 22 2006

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FAX TRANSMISSION COVER SHEET

June 22, 2006

To:Telephone:Fax Number:

**Attn.: Office of Petitions
Mail Stop Petition**

(571) 273-8300

From: Linda R. Judge (Reg. No. 42,702) **Client-Matter Number:**
 415.836.2500

Re: U.S. Patent Application No. 10/808,758
 Filing Date: March 24, 2004
 First Named Inventor: Daniel J. VONSEGGERN
 Art Unit:
 Examiner:
 Attorney Docket No.: 5410-006

Pages: - 12 - (including this form) **Originals:**

If there is a problem with this transmission, please call _____ **at** _____

Fax Operator/Ext.**Message:****Papers Included in this filing:**

1. Transmittal (1 page)
2. Fee Transmittal + copy (2 pages)
3. Petition for Revival of an Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b) (2 pages)
4. Petition to Revive Unintentionally Abandoned Application (2 pages)
4. Copy of Notice of Abandonment (2 pages)
5. Declaration (2 pages)

CONFIDENTIALITY NOTICE

This communication is ONLY for the person named above. Unless otherwise indicated, it contains information that is confidential, privileged or exempt from disclosure under applicable law. If you are not the person named above, or responsible for delivering it to that person, be aware that disclosure, copying, distribution or use of this communication is strictly PROHIBITED. If you have received it in error, or are uncertain as to its proper handling, please immediately notify us by collect telephone and mail the original to us at the above address. Thank you.

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SANF1349597.1

PTO/SB/21 (09-04)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL
FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission 11 pages

Application Number

10/808,758

Filing Date

March 24, 2004

First Named Inventor

Daniel J. VON SEGGERN

RECEIVED

CENTRAL FAX CENTER

Arl Unit

Examiner Name

JUN 22 2006

Attorney Docket Number

5410-006

ENCLOSURES (Check all that apply)

Fee Transmittal Form
 Fee Attached
 Amendment/Reply
 After Final
 Affidavits/declaration(s)
 Extension of Time Request
 Express Abandonment Request
 Information Disclosure Statement
 Certified Copy of Priority Document(s)
 Reply to Missing Parts/ Incomplete Application
 Reply to Missing Parts under 37 CFR 1.52 or 1.53

Drawing(s)
 Licensing-related Papers
 Petition
 Petition to Convert to a Provisional Application
 Power of Attorney, Revocation
 Change of Correspondence Address
 Terminal Disclaimer
 Request for Refund
 CD, Number of CD(s) _____
 Landscape Table on CD

After Allowance Communication to TC
 Appeal Communication to Board of Appeals and Interferences
 Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
 Proprietary Information
 Status Letter
 Other Enclosure(s) (please identify below):
1. Facsimile Cover Sheet
2. Petition to Revive Unintentionally Abandoned Application
3. Copy of Notice of Abandonment
4. Declaration

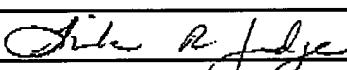
Remarks

The Commissioner is authorized to charge any deficiencies in fees and credit any overpayment of fees to Deposit Account No. 07-1896.

Customer No. 29585

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name DLA Piper Rudnick Gray Cary US LLP, 153 Townsend Street, Suite 800, San Francisco, CA 94107-1957

Signature 

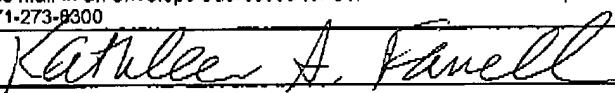
Printed name Linda R. Judge, Telephone: 415-836-2586, Facsimile: 415-836-2501

Date June 22, 2006

Reg. No. 42,702

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below: 1-571-273-8300

Signature 

Typed or printed name Kathleen A. Farrell

Date June 20, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount or time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/17 (12-04v2)

Approved for use through 07/31/2005, OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1985, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Effective on 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL

For FY 2005

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)

815.00

Complete if Known

Application Number	10/808,758	RECEIVED
Filing Date	March 24, 2004	CENTRAL FAX CENTER
First Named Inventor	Daniel J. VON SEGGERN	JUN 22 2006
Examiner Name		
Art Unit		
Attorney Docket No.	5410-006	

METHOD OF PAYMENT (check all that apply)

Check Credit Card Money Order None Other (please identify): _____
 Deposit Account Deposit Account Number 07-1896 Deposit Account Name: DLA Piper Rudnick Gray Cary

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

Charge fee(s) indicated below Charge fee(s) indicated below, except for the filing fee
 Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	0.00
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description

Each claim over 20 (including Reissues)

Small Entity	
Fee (\$)	Fee (\$)

50 25

Each independent claim over 3 (including Reissues)

200 100

Multiple dependent claims

360 180

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims
- 20 or HP =	x 25.00	= 0.00		Fee (\$)
HP = highest number of total claims paid for, if greater than 20.				Fee (\$)

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Fee (\$)	Fee Paid (\$)
- 3 or HP =	x 100.00	= 00.00		180.00	0.00
HP = highest number of independent claims paid for, if greater than 3.					

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 =	/ 50 =	(round up to a whole number) x 125.00 = 0.00		

4. OTHER FEE(S)

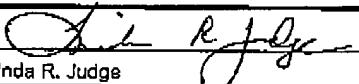
Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Declaration (\$65); Petition to Revive (\$750)

Fees Paid (\$)

815.00

SUBMITTED BY

Signature		Registration No. (Attorney/Agent) 42,702	Telephone 415-836-2586
Name (Print/Type)	Linda R. Judge		Date June 22, 2006

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/64 (10-05)

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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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3. Terminal disclaimer with disclaimer fee

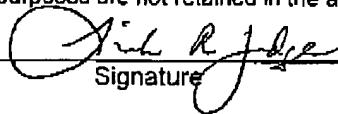
Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.



Signature

June 22, 2006

Date

Linda R. Judge

Typed or printed name

42,702

Registration Number, if applicable

153 Townsend St., Suite 800

Address

415.836.2586

Telephone Number

San Francisco, CA 94107

Address

Enclosures: Fee Payment Reply Terminal Disclaimer Form Additional sheets containing statements establishing unintentional delay Other: Facsimile Cover Sheet Transmittal

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (571) 273-8300.

June 22, 2006

Date

Signature



Typed or printed name of person signing certificate

DOCKET NO. 5410-006

RECEIVED
CENTRAL FAX CENTER
JUN 22 2006IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Daniel J. VON SEGGERN Art Unit: 1636

SERIAL NO.: 10/808,758 Examiner: David Guzo

FILING DATE: March 24, 2004

FOR: ADENOVIRUS PARTICLES WITH ENHANCED
INFECTIVITY OF DENDRITIC CELLS AND PARTICLES
WITH DECREASED INFECTIVITY OF HEPATOCYTESPETITION TO REVIVE UNINTENTIONALLY ABANDONED APPLICATION

Office of Petitions
Mail Stop Petition
COMMISSIONER FOR PATENTS
PO BOX 1450
ALEXANDRIA, VA 22313-1450

SIR:

Applicants hereby Petition to Revive this abandoned application under 37 C.F.R. 1.137(b) (unintentional delay) and state as follows:

A grantable petition to revive under 37 C.F.R. 1.137(b) has three requirements and Applicants have complied with all three requirements. The three requirements are:

1. The required reply unless previously filed.

The required reply is the response to a Notice to File Missing Parts. Applicants do not have a copy of the Notice to File Missing Parts, however, an executed declaration is provided herewith.

2. The petition fee required by 37 CFR 1.17(m).

The petition fee for a small entity is enclosed.

3. A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. 1.137(b) was unintentional.

The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. The delay was due to internal communication error when the file for this case was transferred from Fish & Richardson to DLA Piper Rudnick Gray Cary U.S. LLP.

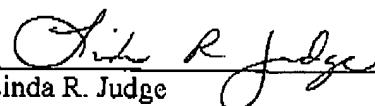
Wherefore, Applicants respectfully request that the executed declaration be accepted, the Petition to Revive be granted, and the present application be revived and reinstated.

If any issues remain which the Examiner feels may be best resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact Applicants' counsel, Linda R. Judge at (415) 836-2586.

Respectfully submitted,

DLA PIPER RUDNICK GRAY CARY U.S. LLP

Dated: 6/22/06



Linda R. Judge
Registration No. 42,702

153 Townsend Street, Suite 800
San Francisco, CA 94107
Telephone No. 415.836.2500
Facsimile No. 415.836.2501



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY DOCKET NO./TITLE
11/802,758	03/24/2004	Von Seggern	22908-1239

CONFIRMATION NO. 6593
ABANDONMENT/TERMINATION
LETTER

CONF
 Stephanie Seidman
 FISH & RICHARDSON P.C.
 12390 El Camino Real
 San Diego, CA 92130-2081

Date Mailed: 05/22/2006

NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 09/16/2005.

- No reply was received.

If a complete reply to the notice was previously filed by applicant within the time period set forth in the notice, applicant may request for reconsideration of the holding of abandonment within 2 months from the mailing of this notice of abandonment by filing a petition to withdraw the holding of abandonment under 37 CFR 1.181(a). No petition fee is required. The petition must be accompanied by a true copy of the originally filed reply and the item(s) identified in one of the following:

1. A properly itemized date-stamped postcard receipt (see MPEP § 503);
2. If the originally filed reply included a certificate of mailing or transmission in compliance with 37 CFR 1.8(a), a copy of the certificate of mailing or transmission and a statement in compliance with 37 CFR 1.8(b) (see MPEP §§ 512); or
3. If the reply was filed via Express Mail, a submission satisfying the requirements of 37 CFR 1.10(e) including, for example, a copy of the Express Mail mailing label showing the "date-in" (see MPEP § 513).

Any petition to withdraw the holding of abandonment should be directed to OIPE.

If applicant did not previously file a complete reply within the time period set forth in the notice, applicant may file a petition to revive the application under 37 CFR 1.137.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of UNAVOIDABLE DELAY must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d). See MPEP § 711.03(c) and Form PTO/SB/61.

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of UNINTENTIONAL DELAY must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37

CFR 1.137(d). See MPEP § 711.03(c) and Form PTO/SB/64.

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (571) 272-3282.

3138
A copy of this notice MUST be returned with the reply.

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199, or 1-800-972-6382
PART 2 - COPY TO BE RETURNED WITH RESPONSE

DECLARATION FOR PATENT APPLICATION

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**ADENOVIRUS PARTICLES WITH ENHANCED INFECTIVITY OF DENDRITIC CELLS AND PARTICLES
WITH DECREASED INFECTIVITY OF HEPATOCYTES**

the specification of which

() is attached hereto.
 was filed by an authorized person on my behalf on March 24, 2004,
 Application Serial No. _____. (Applicant's attorney is authorized to enter application number after execution of this document.)
 () and as amended in the Preliminary Amended filed with the application.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) or §365(b) of any foreign application(s) for patent or inventor's certificate listed below and so identified, or §365(a) of any PCT international application that designated at least one country other than the United States of America, listed below, and I have also identified below any foreign application for patent or inventor's certificate or PCT international application on this invention filed by me or my legal representatives or assigns and having a filing date before that of the application on which priority is claimed.

<u>Number</u>	<u>Country</u>	<u>Day/Month/Year Filed</u>	<u>Priority Claimed (Yes or No)</u>
N/A			

I hereby claim benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below:

<u>Application Serial No.</u>	<u>Filing Date</u>
60/459,000	March 28, 2003
60/467,500	May 1, 2003

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application Serial No.
N/A

Filing Date

Status

PCT Application No.
N/A

Filing Date

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint the following attorneys and agents, with full power of substitution and revocation, to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith and request that all correspondence and telephone calls in respect to this application be directed to Stephanie Seidman, FISH & RICHARDSON P.C., 12390 El Camino Real, San Diego, California 92130-2081: 858-678-5070.

<u>Attorney</u>	<u>Reg. No.</u>
Stephanie Seidman	33,779
Dale L. Rieger	43,045
Fred C. Hernandez	41,832
Scott C. Harris	32,030

and other members of the firm.

Address for correspondence: **Stephanie Seidman**
FISH & RICHARDSON P.C.
12390 El Camino Real
San Diego, California 92130-2081

Full name of inventor:

Daniel J. Von Seggern

Inventor's signature:

[Handwritten signature]

Date:

4.19-04

Residence:

12557 Buette Allante #180

Citizenship: